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children, and E. and S. were unmarried), to be held in trust, however, the trustee to pay over the income to them as long as they live, and, in the event of the death of M., her portion of the estate to go to her children, and in the event of E. or S., or both, "dying without issue," her or their portion of the estate to be distributed between testator's sons, S. does not take a trust estate in fee subject to be defeated only by her dying without issue, but a life estate, with remainder to any issue living at her death, or in the absence thereof to her brothers.

[Ed. Note.—For other cases, see Wills, Cent. Dig. §§ 1310-1318; Dec. Dig. § 594.\* 11 Va.-W. Va. Enc. Dig. 833.]

Appeal from Chancery Court of Richmond.

Suit by W. S. Conrad, individually and as trustee, against Sally M. Quinn and others. From the decree, appeal is taken. Affirmed.

*Henry R. Miller*, for appellant.

*A. B. Guigon* and *R. E. Peyton, Jr.*, for appellees.

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#### JONES *v.* COMMONWEALTH.

#### PERKINS *v.* SAME.

Jan. 12, 1911.

[69 S. E. 953.]

**1. Criminal Law (§ 126\*)—Change of Venue—Homicide—Local Prejudice.**—Where one of those accused of a homicide was taken from the custody of the deputy sheriff, who had arrested him without a warrant, by a mob, which nearly killed him in attempting to extort a confession, and citizens occupying responsible official positions had refused to answer questions concerning this affair on the ground of self-incrimination, though maintaining that accused could receive a fair trial, and newspapers published intemperate editorials demanding conviction, the state of feeling was such that the situation would not have been relieved by importing a jury from another county, and a change of venue should have been granted.

[Ed. Note.—For other cases, see Criminal Law, Cent. Dig. § 243; Dec. Dig. § 126.\* 2 Va.-W. Va. Enc. Dig. 781, et seq.]

**2. Witnesses (§ 366\*)—Testimony of Accomplice—Impeachment—Competency.**—In a prosecution for murder, evidence offered by defendant that, when the state's attorney sent one of its witnesses to testify before the grand jury, he told such witness that he would never ask a jury to convict on his testimony, was admissible to affect

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\*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.

such witness' credibility; the entire testimony for the state being that of accomplices.

[Ed. Note.—For other cases, see Witnesses, Cent. Dig. § 1183; Dec. Dig. § 366.\* 13 Va.-W. Va. Enc. Dig. 969, et seq.]

**3. Criminal Law (§ 511\*)—Testimony of Accomplices—Corroboration.**—The testimony of one accomplice cannot be corroborated by the testimony of another accomplice, though the jury may convict on the uncorroborated evidence of an accomplice.

[Ed. Note.—For other cases, see Criminal Law, Cent. Dig. § 1137; Dec. Dig. § 511.\* 1 Va.-W. Va. Enc. Dig. 77.]

**4. Criminal Law (§ 510\*)—Evidence—Testimony of Accomplices—Effect.**—The jury may convict on the uncorroborated testimony of an accomplice.

[Ed. Note.—For other cases, see Criminal Law, Cent. Dig. §§ 1124-1126; Dec. Dig. § 510.\* 1 Va.-W. Va. Enc. Dig. 77.]

Error to Circuit Court, Buckingham County.

Richard Perkins and Ed. Jones were convicted of murder, and bring error. Reversed and remanded.

*A. S. Hall*, for plaintiff in error Perkins.

*A. S. Hall* and *A. E. Strode*, for plaintiff in error Jones.

*Samuel W. Williams*, Atty. Gen., for the Commonwealth.

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WRIGHT v. COMMONWEALTH.

Jan. 12, 1911.

[69 S. E. 956.]

**1. Criminal Law (§ 1092\*)—Writ of Error—Record—Bill of Exceptions—Time for Filing.**—Under a statutory provision that any bill of exceptions may be tendered to the judge and be signed by him, either during the term of court or in vacation, within 30 days after the end of the term, or at such other time as the parties, by consent entered of record, may agree upon, an order allowing a prisoner 60 days from the adjournment of court within which to file his bills of exceptions, but failing to show that the 60 days was agreed upon and entered of record by consent of parties, is insufficient to authorize the filing of the bills of exceptions more than 30 days after the end of the term.

[Ed. Note.—For other cases, see Criminal Law, Cent. Dig. § 2852; Dec. Dig. § 1092.\* 5 Va.-W. Va. Enc. Dig. 388.]

**2. Criminal Law (§ 1092\*)—Writ of Error—Record—Amendment or Correction.**—An order allowing a prisoner 60 days from the adjournment of the term within which to file his bills of exceptions

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\*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexe .